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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/116,124	07/15/1998	YASUTOMO NISHINA	450100-4521	2200

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NEW YORK, NY 10151

EXAMINER

TRAN, HAI V

ART UNIT	PAPER NUMBER
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2611

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DATE MAILED: 06/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/116,124

Applicant(s)

NISHINA ET AL.

Examiner

Hai Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 3 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                            | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____   |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)        | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ | 6) <input type="checkbox"/> Other:  |

## **DETAILED ACTION**

### ***Response to Arguments***

The Applicant does not distinctly and specifically point out errors in the Examiner Office Action but merely states, "Shiga does not disclose displaying program related information by partitioning a display space into at least two boxes, partitioning each of the boxes into at least two cells and displaying the program related information according to the boxes and cells."

The examiner respectfully disagrees with applicant and cites again Fig. 8 and 9 for example to support the above claimed argument.

As noted, Fig. 8 clearly shows the display space correspond to the window with the title "Programs to be Broadcast", within that window Shiga clearly shows two (2) boxes, i.e. 1<sup>st</sup> box has corresponding box's title "Station" and the 2<sup>nd</sup> box also has corresponding title corresponding to the time period "7:00 8:00 9:00"; Shiga further shows each of the two (2) boxes is partitioning into a plurality of cells (at least 2 cells), i.e. First (1<sup>st</sup>) Station' s Box has a plurality of cells (at least 2 cells) contain corresponding station' s name for each cell, such as CNN, MTV, Star... The 2<sup>nd</sup> box corresponds to the time period "7:00 8:00 9:00" also has a plurality of cells (at least 2 cells). Each of the cells contains corresponding TV program name, such as World News, World Sport, Money, etc...

Thus, Shiga clearly meets the above claimed limitation.

***Claim Rejections - 35 USC § 102***

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

1. Claims 1-2, 4-15 rejected under 35 U.S.C. 102(e) as being unpatentable by Shiga et al. (US 6005562).

Regarding claim 1, Shiga discloses a transmitter system for transmitting program related information (EPG data) relating to program Information (EPG)(see Fig.1)

Generating means for generating the program related (see Fig.1, "Controls Switcher 301 couples EPGs ' data received from plurality of Television stations (NHK, NTV, TBS, FUJI, TV ASAHI, TV TOKIO and WOWOW) to EPG data generating device 309") and display related information (Fig.1, "Program control device 308 couples to the EPG data generating device 309 with control data to display EPG at receivers) relating to displaying the program related information; and

Transmitting means for transmitting the program related information and the display related information separately (In Fig. 1 the "Program control device" 308 couples (control data concerning display information of EPG such as Fig.8, 9 and 10) to the "EPG data generating device" 309 and the "Program control device" 308 also controls "Switcher" 301 to couple to "EPG data generating device" 309 to generate separately EPG1, EPG2, EPG3, wherein EPG1-3 correspond to plurality of

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Television stations NHK, NTV, TBS, FUJI, TV ASAHI, TV TOKIO and WOWOW received at Switcher 301. EPG1, EPG2, and EPG3 transmitted along with elements 302, 303-1, 303-2..303-7 through multiplexer 304-1..304-8; thus, it's clearly that Shiga discloses separate transmission of electronic program guide data and data concerning the display of the electronic program guide.);

Generating means composing the program related information (EPG data) and the display related information (Control data) of a first part "the leading 10 bytes, the original\_network\_id(2) and last\_table\_id(1)" including identification information (last\_table\_id) for identifying the program related information and display related information, and a second part (event descriptors loop [0..N]) composes of actual data (Col.13, lines 54-Col.14, lines 27).

Whereby the display related information (additional information) includes information for initiating an operation (Short\_event\_descriptor and Extended\_event\_descriptor; Col. 14, lines 12-18) in response to selection of a displayed item (Col. 22, lines 50-65+).

Whereby the displaying of the program related information includes partitioning a display space into at least two boxes, partitioning each of the boxes into at least two cells and displaying the program related information according to the boxes and cells (see Fig. 8 and 9; Col. 20, lines 13-20). As noted, Fig. 8 clearly shows the display space correspond to the window with the title "Programs to be Broadcast", within that window Shiga clearly shows two (2) boxes, i.e. 1<sup>st</sup> box has corresponding box's title "Station" and the 2<sup>nd</sup> box also has corresponding title

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corresponding to the time period "7:00 8:00 9:00"; Shiga further shows each of the two (2) boxes is partitioning into a plurality of cells (at least 2 cells), i.e. First (1<sup>st</sup>) Station's Box has a plurality of cells (at least 2 cells) contain corresponding station's name for each cell, such as CNN, MTV, Star... The 2<sup>nd</sup> box corresponds to the time period "7:00 8:00 9:00" also has a plurality of cells (at least 2 cells). Each of the cells contains corresponding TV program name, such as World News, World Sport, Money, etc...

Regarding claim 2, Shiga further discloses each "event descriptors loop" corresponds to a part claimed in which corresponds to the same data structure of each event (see claim 1 analysis).

Regarding claims 4, 5, 6, 7 and 12, Shiga discloses a receiver for recovering the program and EPG data transmitted over the broadcast channel to which a tuner is tuned. Although not specifically disclosing the receiver for separately receiving the program related information and display related information relating to displaying the program related information; generating fourth information for displaying the program related information based on the program related information and the display related information;

First separating the program related and the display related information into a first part containing identification for identifying the program related information and the display related information, and a second part composed of actual data; second separating the second part into a third part comprising identification information for

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identifying the second part and a fourth part composed of actual data; retrieving data of the second part and the fourth part of the program related information and the display related information based on the identification information;

Updating the second part and the fourth part of the program related information and the display related information based on the identification information;

Display control means for displaying a first window on a predetermined screen and displaying data of fourth part within the first windows as claimed in claim 4-7.

Shiga receiver (Fig.23) must identify separately each stream of data so the receiver could recover the program and EPG data transmitted, as disclosed. The MPEG streams are received and separated by the de-multiplexer 24, stored in corresponding memory buffer of the receiver so that the CPU of the receiver could read out from the buffer memory the corresponding video and audio data and process them along with any control information received by users to display EPG and information on the appropriate location of the TV display as shown in Fig. 7, 8, 9 and 10 (also see Col. 21, lines 60 - Col. 23, lines 3). Clearly the MPEG stream would have information concerning the layout of the EPG received therein (Col. 20, lines 8-20), thus meeting the limitation of claims 4-7 and 12. Shiva further discloses whereby the display related information (additional information) includes information for initiating an operation (Col. 14, lines 12-18) in response to selection of a displayed item (Col. 22, lines 50-65+).

Whereby the displaying of the program related information includes partitioning a display space into at least two boxes, partitioning each of the boxes into at least two cells and displaying the program related information according to the boxes and cells (see Fig. 8 and 9; Col. 20, lines 13-20). As noted, Fig. 8 clearly shows the display space correspond to the window with the title "Programs to be Broadcast", within that window Shiga clearly shows two (2) boxes, i.e. 1<sup>st</sup> box has corresponding box's title "Station" and the 2<sup>nd</sup> box also has corresponding box's title of time period "7:00 8:00 9:00"; Shiga further shows each of the two (2) boxes is partitioning into a plurality of cells (at least 2 cells), i.e. First (1<sup>st</sup>) Station' s Box has a plurality of cells (at least 2 cells) contain corresponding station' s name for each cell, such as CNN, MTV, Star... The 2<sup>nd</sup> the time period "7:00 8:00 9:00" Box also has a plurality of cells (at least 2 cells) contain corresponding TV program displays in each of the cells, such as World News, World Sport, Money, etc...

Regarding method claim 8, see analysis of apparatus claim 1-3.

Regarding method claims 9 and 13 see analysis of apparatus claims 4-7 and 12.

Regarding claims 10-11 and 14, see analysis of claims 1-2.

Regarding claim 15, Shiga further discloses wherein the first window is composed of one or more boxes and the box is composed of one or more cells (Fig. 5, 6, 7, 8, 9 and 10) (Col. 9, lines 3-47).

**Contact Fax Information**



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**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
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**or Faxed to:** (703) 872-9314,  
(for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
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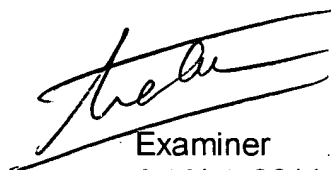
**Contact Information**

**Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (703) 308-7372. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-5399.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Hai Tran



Examiner  
Art Unit 2611

HT:ht  
5/30/03